

BILL NO. G-71-04-13

GENERAL ORDINANCE NO. G-112-71

AN ORDINANCE regulating the operation and sanitation of non-family swimming pools and beaches; providing for permits, inspection and inspection fees; amending the Municipal Code; and providing penalties.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Municipal Code of the City of Fort Wayne, Indiana, 1946, is amended by adding thereto a Chapter 12A as follows:

"Chapter 12A

Non-Family Swimming Pools and Beaches

"Section 1. Definitions. The following definitions shall apply in the interpretation and enforcement of this Chapter:

(a) "Swimming pool" shall mean an artificial pool of water and auxiliary structures including dressing and locker rooms, toilets, showers and other areas and enclosures that are intended for the use of persons using the pool, but shall not include pools and auxiliary structures and equipment at private residences intended only for the use of the owners and friends.

(b) "Beach" shall mean any natural or artificial waterway or impoundment, or any portion thereof which is used for swimming or wading purposes, including structures used as dressing rooms, locker rooms, toilets, showers, and other areas and enclosures intended for the use of persons using the beach.

(c) "Health Officer" The Health Officer of the City of Fort Wayne, Indiana or his authorized representative.

(d) "Person" A corporation, firm, partnership, association, organization or any other group acting as a unit, as well as a natural person.

(e) "Board of Health" The Board of Public Health of the City of Fort Wayne, Indiana.

Section 2. Swimming Pool or Beach Permit.

(a) Requirement in City

- (1) It shall be unlawful for any person to operate a swimming pool or beach in the City of Fort Wayne, Indiana, who does not possess a valid permit from the Health Officer. Such permit shall be posted in a conspicuous place at such swimming pool or beach. Only person who comply with the applicable requirements of this Article shall be entitled to receive and retain such a permit. The permit shall be for a term of one year beginning with the date of issue and is to be renewed annually on the anniversary date thereof. Any permit issued by the Health Officer shall contain the name and address of the person to whom the permit is granted, the address of the premises for which the same is issued, and such other pertinent data as may be required by the Health Officer.
- (2) A separate permit shall be required for each swimming pool or beach operated or to be operated by any person.
- (3) A permit shall be issued on application, after inspection and approval by the Health Officer; provided, that the swimming pool or beach has been constructed under plans approved by the State Health Commissioner and under a permit issued by the City Building Department and that its operation complies with this Ordinance.
- (4) No permit or renewal thereof shall be denied or revoked on arbitrary or capricious grounds.
- (5) Application for such a permit shall be made to the Health Officer on forms provided by the Health Officer for such purpose. Such forms shall, when completed, show the name of the applicant, address, the name under which he or it intends to operate, the address of the establishment, the approval of plans by the State Health Commissioner and the issuance of a construction permit by the City Building Department.

- (6) Permit Not Transferable: No permit issued under this Chapter to any person shall be transferable.

(b) Permit Fees

- (1) Every applicant for a permit under this Chapter shall pay to the City of Fort Wayne a fee of \$75.00 for each pool and beach open each year for six months or less and a fee of \$150.00 for each pool or beach open for the entire year.
- (2) Permit Fee Exemption: The permit fee provisions of this Chapter shall not apply to swimming pools and beaches operated by religious, educational, and charitable institutions or governmental units.
- (3) Two or more swimming pools or beaches located upon the same property and operated by the same person shall be deemed a single pool or beach for permit fee purposes.

Section 3. Minimum Requirements for Swimming Pools and Beaches:

All swimming pools and beaches shall comply with the accepted and prevailing sanitary and safety requirements. In determining the accepted and prevailing requirements for pools, the Health Officer shall be governed by the regulations of the Indiana State Board of Health H.S.E. 16-R or as the same may be hereafter changed or amended. Such regulations are by reference incorporated herein and made part hereof, two copies of which shall be on file in the office of the City Clerk and the City Board of Health for public inspection.

The same sanitation standards applicable to the auxiliary facilities of swimming pools, such as dressing rooms, toilets, bathing suits, etc., shall be applied to such auxiliary facilities of beaches.

Beaches shall not be located in areas subject to pollution by sewage. In determining the accepted and prevailing sanitary standards for beaches, the Sanitary Officer shall be governed by the coliform index as conducted by the methods described in "Standard Methods for the Examination of Water, sewage, and Industrial Wastes" published jointly by American Public Health Association, American Waterworks Association, and Federation of Sewage in Industrial Wastes Association, current edition.

Whole body contact: The fecal coliform content (either in the MPN or MF count) shall not exceed 200 per 100 ml as a

monthly geometric mean based on not less than 5 samples per month; nor exceed 400 per 100 ml in more than 10 percent of all the samples taken during the month. The months of April through October, inclusive, are designated as the recreational season for beaches.

Section 4. Inspection of Swimming Pools and Beaches:

- (a) Frequency of Inspection: The Health Officer shall inspect swimming pool or beach for which a permit is required under the provisions of this Chapter at least once each month during the season for which the pool is open, and may require tests and reports each week.
- (b) Procedure when violations noted: If during the inspection of any swimming pool or beach, the Health Officer discovers the violation of any of the sanitary requirements in Section 3 of this Chapter, he shall issue a written order listing such violations to the operator or, in his absence, to the person in charge and fixing a time within which the said operator of said swimming pool or beach shall abate and remedy such violations. A copy of the written order shall be filed in the records of the Health Department.
- (c) Authority to Inspect and to Copy Records: The operator of the swimming pool or beach shall, upon the request of the Health Officer, permit access to all parts of such swimming pool or beach and shall permit copying any or all records relating to the enforcement of this Chapter.
- (d) Inspection outside of the City: Any person desiring inspection of a pool or beach outside of the City shall pay to the City a fee of \$15 for each inspection requested.

Section 5. Suspension, Revocation and Reinstatement of Permits:

- (a) Suspension of Permit: Any permit issued under this Chapter may be temporarily suspended by the Health Officer without notice or hearing, except as herein provided, for a period of not to exceed 30 days, for any of the following reasons;

- (1) Failure to meet any of the standards required by this Chapter;
- (2) Violation of any provision or provisions of this Chapter;
- (3) Interference with the Health Officer or any of his authorized representatives in performance of their duties;

provided, that if such failure, violation or interference is not such that continuation thereof may constitute an immediate danger to public health, forty-eight hours written notice to comply shall first be given; provided, further, that upon written application from the permittee, served upon the Health Officer within 15 days after such suspension, the Health Officer shall conduct a hearing upon the matter after at least 5 days written notice of the time, place and purpose thereof to the suspended permittee; provided, further, that any such suspension order shall be issued by the Health Officer in writing and served upon the permittee or by delivery by Certified Mail to such address.

- (b) Revocation of Permit: Any permit issued hereunder may be revoked by the Health Officer for willful or continuous violation of any provision or provisions of this Chapter; provided, however, that no such revocation shall be ordered by the Health Officer except upon hearing and at least 10 days written notice of the time, place and nature thereof. Such notice shall be served upon the permittee by leaving a copy at his usual place of business or by delivery by Certified Mail to such address. At such hearing, every person who is a party to such proceedings shall have the right to submit evidence and to cross-examine witnesses and to be represented by counsel. All such hearings shall be conducted in an informal manner, but irrelevant, immaterial or unduly repetitious evidence shall be excluded. Upon the conclusion of such hearing, the Health Officer shall make a final order determining the issue in the case, which order shall be final and conclusive upon all parties; provided, however, that the same may be reviewed as hereafter provided. Any person aggrieved by such an order of the Health Officer shall be entitled to a review of the same before the

Board of Health, by filing a written application therefor with the Secretary of said Board within 15 days after such order is issued. Upon receipt of such application, the Board of Health shall hear the matter de novo in open hearing for which at least 10 days notice of the time, place and purpose thereof shall be issued by the Secretary of the Board to all persons affected. Such notice may be served upon the persons affected by leaving a copy at their usual place of business or by delivery by certified United States Mail to such address. At such hearing, the same rules of procedure shall apply as in the case of the hearing before the Health Officer; Provided, only, that upon written demand by the permittees affected, the Board of Health shall cause the proceedings before it to be recorded by a stenographer or reported employed for such purpose, and the same, together with all papers and documents filed therein, shall be reproduced by the Board in the form of a transcript, a copy of which shall be available to any party. The expense of such proceedings shall be charged to the party applying for the review, except that copies of transcripts shall be at the expense of the party obtaining the same. The Board may require the party applying for a review to deposit with such application an amount determined by it as necessary to secure such expense. The Board shall make written findings of the facts in the case and shall enter its final order or determination of the matter in writing in the permanent records of the Board.

- (c) Reinstatement of Permit: Any person whose permit has been suspended at any time may make application for the reinstatement of his permit.

Section 6. Prosecution of Violators:

If upon a second inspection the Health Officer finds that any swimming pool or beach, which was in violation on a previous inspection, and concerning which a written order was issued, is again in violation of any of the provisions of this Chapter, the Health Officer shall furnish evidence of the violation to the City Attorney, who shall prosecute all persons violating said provisions of this Chapter.

Section 7. Rules and Regulations:

The Health Officer is hereby empowered to make rules and regulations to carry out, interpret and make effective the provisions of this Chapter; provided that all such rules and regulations shall be recorded in a permanently bound book kept for such purposes and open to the general public inspection, and provided further that no such regulation or rule shall be effective for a period longer than sixty (60) days unless formally ratified by the Board of Health of the City.

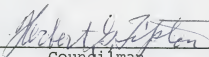
Section 8. Severability:

Should any section, paragraph, sentence, clause or phrase of this Chapter be adjudged invalid or unconstitutional for any reason, the remainder of this Chapter shall not be affected thereby.

Section 9. Penalty:

Any person who violates any provision of this Chapter shall be subject to a penalty of not more than \$300.00 for each offense. Each and every violation of the provisions of this Chapter and each day that the same continues shall constitute a separate offense."

SECTION 2. This Ordinance shall be effective June 1, 1971 after passage, approval by the Mayor, and publication as required by law; provided, however, that because of the time required for initial inspection of existing pools and corrective measures, no permit will be required in 1971 if a proper application for permit has been made and the fee paid.


Councilman

APPROVED AS TO FORM
AND LEGALITY


CITY ATTORNEY

Read the first time in full and on motion by Tipton seconded by Robinson and duly adopted, read the second time by title and referred to the (Committee on) Regulative (and to the City Plan Commission for recommendation) (and Public Hearing to be held after due legal notice, at the Council Chambers, City Hall, Fort Wayne, Indiana, on the _____ day of _____ 19 ____, at _____ o'clock P.M., E.S.T.)

Date: 4-13-71

Freud H. Bonakoon
City Clerk

Read the third time in full and on motion by Tipton seconded by Robinson and duly adopted, placed on its passage.

Passed (~~1951~~) by the following vote:

AYES	<u>9</u>	NAYS	<u>0</u>	ABSTAINED	____	ABSENT	____	to-wit:
Adams	<u>✓</u>	____	____	____	____	____	____	
Dunifon	<u>✓</u>	____	____	____	____	____	____	
Fay	<u>✓</u>	____	____	____	____	____	____	
Geake	<u>✓</u>	____	____	____	____	____	____	
Nuckols	<u>✓</u>	____	____	____	____	____	____	
Robinson	<u>✓</u>	____	____	____	____	____	____	
Rousseau	<u>✓</u>	____	____	____	____	____	____	
Steigerwald	<u>✓</u>	____	____	____	____	____	____	
Tipton	<u>✓</u>	____	____	____	____	____	____	

Date 4-27-71

Freud H. Bonakoon
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~Zoning Map~~) (General) (~~Annexation~~) (~~Special~~) (~~Appropriation~~) Ordinance (~~Resolution~~) No. 2-112-71

on the 27th day of April, 19 71.

ATTEST: (SEAL)

Freud H. Bonakoon
City Clerk

Phil Steigerwald
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of April, 19 71 at the hour of 8:30 o'clock A.M., E.S.T.

Freud H. Bonakoon
City Clerk

Approved and signed by me this 28th day of April, 19 71, at the hour of 10:57 o'clock A.M., E.S.T.

Harold S. Zeis
Mayor

Bill No. G-71-04-13

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance
regulating the operation and sanitation of non-family swimming pools and beaches;
providing for permits, inspection and inspection fees; amending the Municipal
Code; and providing penalties,

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance do PASS.

HERBERT G. TIPTON, Chairman

JACK K. DUNIFON, Vice-Chairman

THOMAS G. ADAMS

WILLIAM K. GEAKE

JOHN H. ROBINSON

Herbert Tipton
Jack K. Dunifon
Thomas G. Adams
Wm. K. Geake
John H. Robinson

CONCURRED IN

DATE 4-27-71 FUAD G. BONAHOOM, CITY CLERK

Common Council, City Fort Wayne
(Governmental Unit)

To.....JOURNAL-GAZETTE.....Dr.

Allen County, Ind

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)
— number of equivalent lines

Head	number of lines
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Tail number of lines

Total number of lines in notice

401

5

406

COMPUTATION OF CHARGES

406 lines, 1 columns wide equals.....equivalent lines at.....288¢
cents per line

€ 116.93

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

~~\$ 116.93~~

DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type $5\frac{1}{2}$ point

Number of insertions.....two

Size of quad upon which type is cast.....58.....

Pursuant to the provision and penalties of Ch. 89, Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date 5-19-71 19

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana } ss:
ALLEN County

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

a DAILY newspaper of general circulation printed and published
in the English language in the city of FORT WAYNE, INDIANA
in state and county aforesaid, ^{town of} and that the printed matter attached hereto is a true copy,
which was duly published in said paper for 2 times, the dates of publication being
as follows:

Subscribed and sworn to before me this 19th day of May 19 71

My commission expires March 8, 1974

Notary Public

twelve" will "pick opponents as the men and American amateurs in four-somes and singles over a grueling two-day period.

The men's team involved in the Walker Cup are to be seeded in the Amateur guaranteeing that the stars have that much assurance of reaching later rounds.

Among the seeded Americans are such former U.S. champions as Jim Barnes, Jr., and Bill Campbell, both of Huntington, Va., who has been striving to lift this crown since he was a finalist in 1954.

Another candidate Bill Hyndman of Philadelphia, the finalist against defending champion Michael Bonallack of England last year, and the 1956 U.S. amateur champions Dick Chapman and Bob Sweeney.

The American contingent is made up of youngsters and many have the potential. Jack Nicklaus demonstrated 13 years

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date 5-19-71 19

Title Clerk

Legals

Notice is hereby given that on the 27th day of April, 1971, the Common Council of the City of Fort Wayne, Indiana, in a regular session, did pass the following General Ordinance, to-wit:

BILL NO. G-71-24-13

GENERAL ORDINANCE NO. G-71-24-13
An Ordinance Relating to the operation and sanitation of non-family swimming pools and beaches; providing for permits, inspection and inspection fees; amending the Municipal Code; and providing penalties.

IT IS ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, that the following be the Ordinance of the City of Fort Wayne, Indiana, 1966, is amended by adding thereto a Chapter 12A as follows:

Chapter 12A

Non-Family Swimming Pools and Beaches.
Section 1. Definitions. The following definitions shall apply in the interpretation and enforcement of this Chapter:

(a) "Non-swimming pool" shall mean an artificial pool of water and auxiliary structures, including dressing and locker rooms, toilets, showers and other areas and enclosures that are intended for the use of persons using the pool, but shall not include pools and auxiliary structures and equipment at private residences intended for the use of the owners and friends.

(b) "Beach" shall mean any natural or artificial waterway or impoundment, or any portion thereof which is used for swimming or wading purposes, including structures used as dressing rooms, locker rooms, toilets, showers and other areas and enclosures intended for the use of persons using the beach.

(c) "Health Officer." The Health Officer of the City of Fort Wayne, Indiana, or his authorized representative.

(d) "Person" A corporation, firm, partnership, association, organization or any other group acting as a unit, as well as a natural person.

(e) "Board of Health." The Board of Public Health of the City of Fort Wayne, Indiana.

Section 2. Swimming Pool or Beach Permit.

(a) Requirement in City.
(1) It shall be unlawful for any person to operate a swimming pool or beach in the City of Fort Wayne, Indiana, who does not possess a valid permit from the Health Officer. Such permit shall be posted in a conspicuous place at each swimming pool or beach. Only persons who comply with the applicable requirements of this Article shall be entitled to receive and retain such a permit. The permit shall be for a term of one year beginning with the date of issue and is to be renewed annually on the anniversary date thereof.

(2) The Health Officer shall retain the name and address of the person to whom the permit is granted, the address of the location for which the permit is issued and such other pertinent data as may be required by the Health Officer.

(3) A separate permit shall be required for each swimming pool or beach operated or to be operated by any person.

(4) A permit shall be issued on application, after inspection and approval by the Health Officer, provided that the swimming pool or beach has been constructed under plans approved by the State Health Commissioner and under a permit issued by the City Building Department and that its operation complies with this Ordinance.

(5) No permit or renewal thereof shall be denied or revoked on arbitrary or capricious grounds.

(6) Application for such a permit shall be made to the Health Officer on forms provided by the Health Officer for such purpose. Such forms shall, when completed, show the name of the applicant; address, the name under which he or it intends to operate, the address of the establishment, the approval of plans by the State Health Commissioner and the issuance of a construction permit by the City Building Department.

(7) Permit Not Transferable: No permit issued under this Chapter to any person shall be transferable.

(8) Every applicant for a permit under this Chapter shall pay to the City of Fort Wayne a fee of \$75.00 for each pool or beach open for use for six months or less and a fee of \$150.00 for each pool or beach open for the entire year.

(9) Permit Fee Exemption: The permit fee provisions of this Chapter shall not apply to swimming pools and beaches operated by religious, educational, and charitable institutions or government units.

(10) Two or more swimming pools or beaches located upon the same property and operated by the same person shall be deemed a single pool or beach for permit fee purposes.

Section 3. Minimum Requirements for Swimming Pools and Beaches:

(a) Swimming pools and beaches shall comply with the accepted and prevailing sanitary and safety requirements in determining the accepted and prevailing requirements for pools. The Health Officer shall be governed by the regulations of the Indiana State Board of Health H.S.B.H. 14-6 or as the same may be hereafter changed or amended. Such regulations are by reference incorporated herein and made part hereof, two copies of which shall be on file in the office of the City Clerk and the City Board of Health for public inspection.

(b) The same sanitation standards applicable to public swimming pools shall apply to pools, such as dressing rooms, lockers, showers, etc., and shall be applied to such auxiliary facilities of beaches.

(c) Beaches shall not be located in areas subject to pollution by sewage, in determining the accepted and prevailing sanitary standards for beaches. The Sanitary Officer shall be governed by the methods described in "Standard Methods for the Examination of Water, Sewage, and Industrial Wastes" published jointly by American Public Health Association, American Waterworks Association, and Federation of Sewage and Industrial Wastes Association, current edition.

(d) Sample Collection: The local health officer (either in the APHA or AHA county) shall collect the water sample as a monthly geometric mean based on less than 5 samples per month, not exceed 40 per 100 ml. In more than 10 per cent of all the samples taken during the month. The months of April through October, inclusive, are designated as the recreational season for beaches.

Section 4. Inspection of Swimming Pools and Beaches:

(a) Frequency of Inspection: The Health Officer shall inspect swimming pool or beach for which a permit is required

and shall apply as in the case of the preceding law. The Health Officer, as provided, only, that upon written demand by the permittees effected by the Board of Health shall cause the proceedings before it to be recorded by a stenographer or reported employee for such purpose, and if same, together with all papers and documents filed therein, shall be produced by the Board in the form of a transcript, a copy of which shall be available to any party. The expense of such proceedings shall be charged to the party applying for the review, except that copies of transcripts shall be of no expense of the party obtaining the same. The Board may require the party applying for a review to deposit with such application an amount determined by it as necessary to secure such expense. The Board shall make written findings of the facts in the case and shall enter its order of determination of the matter filed, either in the permanent records of the Board.

(c) Reinstatement of Permit: Any person whose permit has been suspended at any time may make application for the reinstatement of his permit.

Section 5. Prosecution of Violators:

If upon a second inspection the Health Officer finds that any swimming pool or beach, which was in violation on a previous inspection, and concerning which a written order was issued, is again in violation of any of the provisions of this Chapter, the Health Officer shall furnish written notice of the violation to the City Attorney, who shall prosecute all persons violating said provisions of this Chapter.

Section 7. Rules and Regulations:

The Health Officer is hereby empowered to make rules and regulations to carry out, interpret and make effective the provisions of this Chapter, provided that all such rules and regulations shall be re-

corded in a permanently bound book kept for such purposes, and open to the general public inspection. The Health Officer shall not make any rule or regulation or rule shall be in effect for a period longer than sixty (60) days unless formally ratified by the board of health of the City.

Section 8. Severability:

Should any section, paragraph, sentence, clause or phrase of this Chapter be adjudged invalid or unconstitutional for any reason, the remainder of this Chapter shall not be affected thereby.

Section 9. Penalty:

Any person who violates any provision of this Chapter shall be subject to a penalty of not more than \$300.00 for each offense. Each and every violation of the provisions of this Chapter and each that the same continues shall constitute a separate offense.

SECTION 2. This Ordinance shall be effective June 1, 1971, after passage, approval by the Mayor, and publication as required by law; provided, however, that because of the time required for the section of existing pools and beaches to be brought into compliance with the provisions of this Ordinance, the provisions of this Ordinance shall be required in 1971.

If a proper statement of the City of Fort Wayne, Indiana, as hereby certified by the Mayor and published in a full, true, and complete copy of General Ordinance No. G-71-24-13 posted by the Common Council on the 27th day of April, 1971, and that said Ordinance was duly signed, and approved by the Mayor on the 27th day of April, 1971, and remains on file and on record in my

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 28th day of April, 1971.

ROD G. BONAHOM,
City Clerk.

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NE, INDIANA

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dates of publication being

May 19 71
Public

2. A person applying for a permit shall be required to obtain a permit for each swimming pool or beach operated or to be operated by any person.

(1) A permit shall be issued on application, inspection and approval by the Health Officer. The permit shall be issued only if the applicant has shown that the swimming pool or beach has been constructed under plans approved by the State Health Commissioner and the permit issued by the City Building Department and that its operation complies with this Ordinance.

(2) No permit or renewal thereof shall be denied or revoked on arbitrary or capricious grounds.

(3) Application for such a permit shall be made to the Health Officer on forms provided by the Health Officer for such purpose. Such forms shall, when completed, show the name of the applicant, address, the name under which he or it intends to operate, the address of the establishment, the approval of plans by the State Health Commissioner and the issuance of a construction permit by the City Building Department.

(4) Permit Not Transferable: No permit issued under this Chapter to any person shall be transferable.

(5) Permit Fee.

(6) Every applicant for a permit under this Chapter shall pay to the City of Port Wayne a fee of \$5.00 for each pool and beach open each year for six months or less and a fee of \$10.00 for each pool or beach open for the entire year.

(7) Permit Fee Exemption: The permit fee provisions of this Chapter shall not apply to swimming pools and beaches identified by religious, educational, and public health or government units.

(8) Two or more swimming pools or beaches located upon the same property and operated by the same person shall be deemed a single pool or beach for permit fee purposes.

Section 3. Minimum Requirements for Swimming Pools and Beaches:

All swimming pools and beaches shall comply with the accepted and prevailing sanitary and safety requirements. In determining the accepted and prevailing requirements for pools, the Health Officer shall be governed by the regulations of the Indiana State Board of Health H.S.E. 18-8 or as the same may be hereafter changed or amended. Such regulations are by reference incorporated herein and made part hereof, two copies of which shall be kept in the office of the City Clerk and the City Board of Health for public inspection.

The same sanitation standards applicable to the auxiliary facilities of swimming pools, such as dressing rooms, restrooms, bathing suits, etc., shall be applied to such auxiliary facilities of beaches.

Beaches shall not be located in areas subject to pollution by sewage. In determining the accepted and prevailing sanitary standards for beaches, the Health Officer shall be governed by the

methods described in "Standard Methods for the Examination of Water, Sewage, and Industrial Wastes", published jointly by the American Public Health Association, American Waterworks Association, and Federation of Sewage and Industrial Waste Association, current edition.

Whole body contact: The total coliform count (either in the MPN or MLC count) shall not exceed 200 per 100 ml as a monthly geometric mean based on not less than 5 samples per month nor exceed 400 per 100 ml in more than 10 per cent of all the samples taken during the month. The months of April through October, inclusive, are designated as the recreational season for beaches.

Section 4. Inspection of Swimming Pools and Beaches:

(a) Frequency of Inspection: The Health Officer, if a proposed swimming pool or beach for which a permit is required under the provisions of this Chapter, shall inspect the pool or beach at least once each month during the season for which the pool is open, and may require tests and reports each week.

(b) Procedure when violations noted: If during the inspection of any swimming pool or beach, the Health Officer discovers the violation of any of the sanitary requirements in Section 2 of this Chapter, he shall issue a written order listing such violations to the operator or, in his absence, to the person in charge and fixing a time within which the said operator of said swimming pool or beach shall correct and remedy such violations. A copy of the written order shall be filed in the records of the Health Department.

(c) Authority to inspect and to Copy Records: The operator of the swimming pool or beach shall, upon the request of the Health Officer, permit access to all parts of such swimming pool or beach and shall permit copying any or all records relating to the enforcement of this Chapter.

(d) Inspection outside of the City: Any person desiring inspection of a pool or beach outside of the City shall pay to the City a fee of \$15 for each inspection requested.

Section 5. Suspension, Revocation and Reinstatement of Permits:

(a) Suspension of Permit: Any permit issued under this Chapter shall be non-permanent and shall be suspended without notice or hearing, except as herein provided, for a period of not to exceed 30 days, for any of the following reasons:

(1) Failure to meet any of the standards required by this Chapter.

(2) Violation of any provision or provisions of this Chapter.

(3) Interference with the Health Officer or any of his authorized representatives in performance of their duties; provided, that if such failure, violation or interference is not such that continuation thereof may constitute an immediate danger to public health, forty-eight hours written notice to comply shall first be given; provided, further, that upon written application from the permittee, served upon the Health Officer within 15 days after such suspension, the Health Officer shall conduct a hearing upon the matter after at least 5 days written notice of the time, place and purpose thereof to the suspended permittee; provided, further, that any such suspension order shall be issued by the Health Officer in writing and served upon the permittee or by delivery by Certified Mail to such address.

(4) Revocation of Permit: Any permit issued hereunder may be revoked by the Health Officer for willful or continuous violation of any provision or provisions of this Chapter; provided, however, that no such revocation shall be ordered by the Health Officer, except upon hearing of at least 10 days written notice of the time, place and nature thereof. Such notice shall be served upon the permittee by leaving a copy of its usual place of business or by delivery by Certified Mail to such address. At such hearing, every person who is a party to such proceedings shall have the right to submit evidence and to cross-examine witnesses and to be represented by counsel. All such hearings shall be conducted in an informal manner, but irrelevant, immaterial or unduly repetitious evidence shall be excluded. Upon the conclusion of such hearing, the Health Officer shall make a final order determining the issue in the case, which order shall be final and conclusive upon the parties; provided, however, that the same may be reviewed as hereafter provided. Any person aggrieved by such an order of the Health Officer shall be entitled to a review of the same before the Board of Health, by filing a written application hereto with the Secretary of said Board within 15 days after such order is issued. Upon receipt of such application, the Board of Health shall hear the matter de novo in open hearing for which at least 10 days notice of the time, place and purpose thereof shall be issued by the Secretary of the Board to all persons affected. Such notice may be served upon the persons affected by leaving a copy of their usual place of business or by delivery by certified United States Mail to such address.

At such hearing, the same rules of pro-

Common Council, City Fort Wayne
(Governmental Unit)

To.....NEWS-SENTINEL.....Dr.

Allen.....County, Ind.,

FORT WAYNE, INDIANA.....

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)
— number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

—

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401

5

406

COMPUTATION OF CHARGES

406 lines, 1 columns wide equals.....equivalent lines at .288¢
cents per line

\$ 116.93

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

\$ 116.93

DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type.....5 1/2.....point

Number of insertions.....two.....

Size of quad upon which type is cast.....5 1/2.....

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date.....5-19-71....., 19.....

Title.....Clerk.....

PUBLISHER'S AFFIDAVIT

State of Indiana }
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned.....A. M. Hostman.....who, being duly sworn, says that She is.....Clerk.....of the

NEWS-SENTINEL

a.....DAILY.....newspaper of general circulation printed and published in the English language in the city { town } of.....FORT WAYNE, INDIANA.....in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time.....s, the dates of publication being as follows:

May 11 and May 18, 1971

Subscribed and sworn to before me this 19th day of May 19 71

Notary Public

My commission expires.....March 8, 1974.....

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or amended. Such regulations
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I hereby two copies of which
are to be filed in the office of the City
Clerk.

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City Clerk

